

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MICHAEL MILLER,  
Plaintiff,  
v.  
JOSEPH LOMBARDO, et al.,  
Defendants.

Case No.: 2:23-cv-00049-GMN-DJA

## ORDER

(ECF No. 2)

9 On January 9, 2023, pro se plaintiff Michael Miller, an inmate at Nevada Southern  
10 Detention Center, submitted an application to proceed *in forma pauperis*. (ECF No. 2.)  
11 Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff did**  
12 **not include a financial certificate, and he used the form to proceed without**  
13 **prepaying fees or costs for non-prisoners, rather than the application to proceed**  
14 ***in forma pauperis* for inmates.** The Court will deny Plaintiff's application without  
15 prejudice and give Plaintiff the opportunity to correct these deficiencies **by March 20,**  
16 **2023.**

17 Plaintiff has not filed a complaint. In order to proceed with this action, Plaintiff must  
18 file a complete complaint. The Court will give Plaintiff **until March 20, 2023**, to file a  
19 complete complaint.

## 20 I. DISCUSSION

21 The United States District Court for the District of Nevada must collect filing fees  
22 from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights  
23 action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28  
24 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply  
25 to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an  
26 inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the  
27 following documents to the Court: (1) a completed **Application to Proceed *in Forma***  
28 ***Pauperis* for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly

1 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is  
2 page 4 of the Court's approved form, that is properly signed by both the inmate and a  
3 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**  
4 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
5 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
6 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
7 See 28 U.S.C. § 1915(b).

8 As explained above, Plaintiff's application to proceed *in forma pauperis* is  
9 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*  
10 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing  
11 fee or file a new fully complete application to proceed *in forma pauperis* with all three  
12 required documents.

13 **II. CONCLUSION**

14 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 2)  
15 is denied without prejudice.

16 It is further ordered that Plaintiff has **until March 20, 2023**, to either pay the full  
17 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with  
18 all three required documents: (1) a completed application with the inmate's two signatures  
19 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
20 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
21 previous six-month period.

22 It is further ordered that Plaintiff has **until March 20, 2023**, to file a complete  
23 complaint.

24 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
25 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
26 to refile the case with the Court, under a new case number, when Plaintiff can file a  
27 complete complaint and file an application to proceed *in forma pauperis* or pay the  
28 required filing fee.

The Clerk of the Court is directed to send Plaintiff Michael Miller the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same.

DATED this 20<sup>th</sup> day of January 2023.

John D. Gandy  
UNITED STATES MAGISTRATE JUDGE